

RECEIPT # _____
 AMOUNT \$ 150
 SUMMONS ISSUED NO
 LOCAL RULE 4.1 _____
 WAIVER FORM _____
 MCF ISSUED _____
 BY DPTY. CLK. Kim Aboud
 DATE 3-2-04

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ROBERT BUTTERWORTH)

Plaintiff)

v.)

WESTON RACQUET CLUB, INC.)
and 40 LOVE, INC.,)

C.A. No.

04-10425 MEL

MAGISTRATE JUDGE Dean

NOTICE OF REMOVAL

Defendants Weston Racquet Club, Inc. and 40 Love, Inc. ("Defendants") file this Notice of Removal of an action pending in Massachusetts Superior Court for Middlesex County, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446. The grounds for removal are as follows:

1. Plaintiff Robert Butterworth commenced this action against Defendants by filing a Complaint in the Trial Court of Massachusetts, Superior Court Department, Middlesex County, on or about February 4, 2004. A copy of the Summons and Complaint served on Weston Racquet Club, Inc. is attached as Exhibit A.
2. Plaintiff served the Summons and Complaint on Weston Racquet Club, Inc. on or about February 11, 2004. No other process, pleadings or orders have been served on either of Defendants.
3. The Complaint alleges that Defendants failed to pay overtime wages to Plaintiff in violation of the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. The Complaint also alleges that Defendants failed to pay overtime wages to Plaintiff in violation of Massachusetts law.

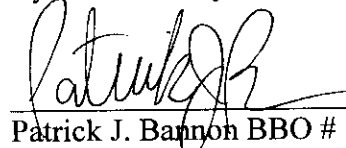
4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the action arises under the laws of the United States. Defendants request that the Court exercise its supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a) over any and all state law claims.

5. This Notice of Removal is timely because it is filed in this Court within 30 days of service of the Complaint on Weston Raquet Club, Inc., which was its first receipt of the Complaint.

6. Upon filing of this Notice of Removal, Defendants shall provide written notice to all adverse parties of the filing of this Notice of Removal and shall file a copy of this Notice of Removal with the Trial Court of Massachusetts, Superior Court Department, Middlesex County.

WESTON RACQUET CLUB, INC. AND
40 LOVE, INC.

By their attorneys,



Patrick J. Bannon BBO # 635523
Gadsby Hannah LLP
225 Franklin Street
Boston, MA 0211
(617) 345-7000

March 2, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on the attorney of record for each other party (and upon each party appearing pro se) by mail/hand/FAX on this

2d day of March, 2004
BY 